

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Ken Peterson, on March 3, 2011 at 9:00 AM, in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Ken Peterson, Chairman (R)
Rep. Krayton Kerns, Vice Chairman (R)
Rep. Diane Sands, Vice Chairman (D)
Rep. Liz Bangerter (R)
Rep. Bill Harris (R)
Rep. David Howard (R)
Rep. Cleve J. Loney (R)
Rep. Margaret (Margie) MacDonald (D)
Rep. Jesse O'Hara (R)
Rep. Joe Read (R)
Rep. Keith Regier (R)
Rep. Dan Skattum (R)
Rep. Bob Wagner (R)

Members Excused: None

Members Absent: Rep. Robyn Driscoll (D)
Rep. Kris Hansen (R)
Rep. Ellie Boldman Hill (D)
Rep. Mike Menahan (D)
Rep. Michael (Mike) More (R)
Rep. Carolyn Pease-Lopez (D)
Rep. Wendy Warburton (R)

Staff Present: Karen Armstrong, Committee Secretary
David Niss, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 26, 2/22/2011; SB 152, 2/22/2011

Executive Action: HB 299, SB4, SB 26, SB 36, SB 67, SB 152

00:01:06 Rep. Sands

00:01:41 Chairman Peterson

00:02:03 Rep Hill arrived.

00:02:08 Rep. Driscoll, Rep. Menahan, Rep. Pease-Lopez, Rep. More, Rep. Hansen and Rep. Warburton arrived.

HEARING ON SB 26

Opening Statement by Sponsor:

00:02:12 Sen. Anders Blewett (D), SD 11, opened the hearing on SB 26, Require notice that violation of temporary order of protection is criminal.

EXHIBIT(juh48a01)

Proponents' Testimony:

00:04:38 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

00:05:36 Sen. Blewett

EXECUTIVE ACTION ON HB 299

00:07:11 **Motion/Vote:** Rep. Hansen moved to **RECONSIDER THE MOTION** on **HB 299**. Motion carried unanimously by voice vote.

00:09:11 **Motion/Vote:** Rep. Hansen moved that **HB 299 DO PASS AS AMENDED**. Motion carried 12-8 by roll call vote with Rep. Driscoll, Rep. Hill, Rep. Kerns, Rep. Menahan, Rep. Pease-Lopez, Rep. Peterson, Rep. Wagner and Rep. Warburton voting no.

HEARING ON SB 152

Opening Statement by Sponsor:

00:11:21 Sen. Taylor Brown (R), SD 22, opened the hearing on SB 152, Increase the penalty for sexual assault for second and subsequent offenses.

Proponents' Testimony:

00:15:48 Brent Brooks, Billings City Attorney, City of Billings
00:21:16 Larry Epstein, Montana County Attorneys Association (MCAA), Montana
Association of Chiefs of Police (MACOP), Montana Police Protective Association
(MPPA)
00:21:45 Brant Light, Chief Prosecutor, Attorney General's Office (AG)
00:25:05 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence

Opponents' Testimony: None**Informational Testimony:** None**Questions from Committee Members and Responses:**

00:27:31 Chairman Peterson
00:27:50 Rep. Sands exited.
00:28:48 Mr. Brooks
00:30:34 Chairman Peterson
00:31:20 Sen. Brown
00:32:45 Chairman Peterson
00:32:52 Sen. Brown
00:32:59 Rep. Wagner
00:35:03 Mr. Epstein, MCAA
00:35:48 Rep. Wagner
00:36:00 Mr. Epstein

Closing by Sponsor:

00:36:24 Sen. Brown

00:37:42 Chairman Peterson

EXECUTIVE ACTION ON SB 4

00:38:37 **Motion:** Rep. Kerns moved that **SB 4 BE CONCURRED IN.**

Discussion:

00:38:46 Mr. Niss

00:40:30 **Motion:** Rep. Regier moved that **SB 4 BE AMENDED.**

[**EXHIBIT\(juh48a02\)**](#)

Discussion:

00:40:54 Chairman Peterson
00:40:58 Rep. Regier

00:41:30 **Vote:** Motion carried unanimously by voice vote.

00:41:43 **Motion:** Rep. Sands moved that **SB 4 BE AMENDED.**
[EXHIBIT\(juh48a03\)](#)

Discussion:

00:42:26 Rep. Sands

00:42:38 **Motion:** Rep. Driscoll moved that **PARAGRAPHS 1 & 2 OF THE AMENDMENT BE SEGREGATED FROM PARAGRAPH 3**

00:43:01 Without objection, paragraphs were segregated.

00:43:07 Rep. Harris

00:44:11 Chairman Peterson

00:44:15 Rep. Harris

00:44:32 Rep. Howard exited.

00:44:48 Rep. Regier

00:44:54 Rep. Sands

00:45:58 Rep. Regier

00:46:22 Rep. Sands

00:46:25 Rep. Loney

00:46:32 Mr. Niss

00:47:08 Rep. Hansen

00:47:51 Rep. Sands

00:47:54 Rep. Skattum

00:48:08 Rep. Howard returned.

00:48:20 **Vote:** Motion failed 9-11 by roll call vote with Rep. Bangerter, Rep. Driscoll, Rep. Hansen, Rep. Hill, Rep. MacDonald, Rep. Menahan, Rep. More, Rep. Pease-Lopez and Rep. Sands voting aye.

00:48:36 Rep. Sands

00:49:56 Without objection, Chairman Peterson recommended that SB 4 be voted upon as amended.

Discussion:

00:50:12 Rep. MacDonald

00:50:42 Rep. Loney

00:50:50 Rep. Hansen exited.

00:51:15 Rep. Harris

00:51:59 Chairman Peterson

00:53:13 Rep. Harris

00:54:05 Rep. Sands

00:55:02 Rep. Wagner

00:56:13 **Vote:** Motion failed 7-13 by roll call vote with Rep. Bangerter, Rep. Hansen, Rep. Harris, Rep. Loney, Rep. O'Hara, Rep. Regier and Rep. Warburton voting aye. Rep. Hansen voted by proxy.

00:57:13 **Motion/Vote:** Rep. Kerns moved that **SB 4 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote of those present and voting.

EXECUTIVE ACTION ON SB 36

00:57:29 **Motion:** Rep. Kerns moved that **SB 36 BE CONCURRED IN**.

00:58:34 **Motion:** Rep. K. Peterson moved that **SB 36 BE AMENDED**.
[EXHIBIT\(juh48a04\)](#)

Discussion:

00:58:54 Rep. Sands
00:59:35 Chairman Peterson
00:59:44 Mr. Niss
01:00:25 Rep. Sands
01:00:29 Chairman Peterson
01:02:12 Rep. Loney exited.
01:02:23 Rep. Skattum
01:02:28 Chairman Peterson
01:02:32 Rep. Sands
01:02:52 Chairman Peterson

01:02:58 **Vote:** Motion carried unanimously by voice vote of those present and voting.

01:03:10 **Motion/Vote:** Rep. Kerns moved that **SB 36 BE CONCURRED IN AS AMENDED**. Motion carried 19-1 by voice vote with Rep. More voting no. Rep. Hansen and Rep. Loney voted by proxy. Rep. Peterson will carry the bill.

EXECUTIVE ACTION ON SB 67

01:04:16 **Motion:** Rep. Kerns moved that **SB 67 BE CONCURRED IN**.

01:04:32 **Motion:** Rep. K. Peterson moved that **SB 67 BE AMENDED**.
[EXHIBIT\(juh48a05\)](#)

Discussion:

01:05:13 Mr. Niss
01:06:45 Rep. Sands

01:07:09 **Vote:** Motion carried unanimously by voice vote of those present and voting.

01:07:19 **Motion/Vote:** Rep. Kerns moved that **SB 67 BE CONCURRED IN AS AMENDED**. Motion carried unanimously by voice vote. Rep. Hansen and Rep. Loney voted by proxy. Rep. Driscoll will carry the bill.

01:08:27 Rep. Sands

EXECUTIVE ACTION ON SB 26

01:08:47 **Motion/Vote:** Rep. Kerns moved that **SB 26 BE CONCURRED IN**. Motion carried unanimously by voice vote of those present and voting. Rep. Regier will carry the bill.

EXECUTIVE ACTION ON SB 152

01:09:47 **Motion:** Rep. Kerns moved that **SB 152 BE CONCURRED IN**.

Discussion:

01:09:59 Rep. Skattum
01:10:23 Chairman Peterson
01:10:38 Rep. Menahan
01:13:27 Chairman Peterson
01:13:33 Rep. Menahan
01:13:54 Rep. Bangerter
01:14:13 Rep. Wagner
01:14:24 Rep. Menahan
01:16:11 Rep. Wagner
01:17:23 Rep. Loney returned.
01:18:39 Rep. Sands
01:19:45 Ms Young
01:22:35 Rep. Sands
01:23:04 Ms Young
01:24:00 Rep. Warburton
01:24:18 Ms Young
01:24:46 Rep. Harris
01:26:14 Rep. Menahan
01:28:45 Rep. Harris
01:29:12 Mr. Brooks
01:31:47 Rep. Harris
01:32:27 Chairman Peterson

01:33:01 **Vote:** Motion carried 17-3 by roll call vote with Rep. Kerns, Rep. Skattum and Rep. Wagner voting no. Rep. Hansen voted by proxy. Rep. Cary Smith will carry the bill.

01:34:14 Rep. Sands
01:35:11 Rep. Wagner
01:36:07 Rep. Hansen returned.

ADJOURNMENT

01:36:13 Adjournment:

Karen Armstrong, Secretary

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Additional Exhibit
EXHIBIT(juh48a06)

Additional Documents:

EXHIBIT([juh48aad.pdf](#))